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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MATHEW WILLIAM MICHALAK,

15 Defendant.

16 CASE NO. 2:24-cr-0268-02 WBS

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**STIPULATION AND ORDER CONTINUING
STATUS CONFERENCE AND EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT**

Date: September 29, 2025
Time: 10:00 a.m.
Court: Hon. William B. Shubb

1. This matter is presently set for a status conference on September 29, 2025, along with Co-Defendant Dustin Brown. Co-Defendant Brown plans to have his matter remain on calendar for potential resolution on September 29. By this stipulation, Defendant Matthew Michalak moves to continue the status conference for his matter for a status conference/potential change of plea hearing on October 27, 2025.

2. This case involves a conspiracy to deal in firearms without a license. The government has provided discovery materials, including materials produced pursuant to a protective order which restricts Mr. Michalak's ability to review certain items produced during the investigation. Specifically, it bars him from viewing video recordings containing images of the confidential informant used in this case. This restriction requires defense counsel to balance the requirements of case preparation with the protection provided for in the

1 protective order.

2 3. The defense is presently engaged in investigation relevant to potential sentencing

3 mitigation and in support of its sentencing request. The defense investigator assisting

4 with this matter is presently engaged in preparation for jury trials in state and federal

5 court. These are both cases involving retained clients. At the present time, CAJ Panel

6 attorneys and investigators are not being paid for work on appointed cases due to

7 Congressional failure to fund the CJA Panel. This situation has continued from July 3,

8 2025, to the present time. It is expected to last at least until the beginning of the new

9 fiscal year on October 1, 2025. Defense counsel is not in a position to insist that the

10 defense investigator forego paid private work to prioritize work on a CJA case where

11 payments have been delayed for nearly an entire quarter.

12 4. Given the difficulties posed by the protective order and the CJA budgeting crisis, defense

13 counsel requires additional time for defense preparation. The government does not

14 oppose the request.

15 5. Based on the above-stated facts, Defendant requests the Court find that the ends of justice

16 served by continuing the case as requested outweigh the best interest of the public and the

17 Defendants in a trial within the time prescribed by the Speedy Trial Act.

18 6. For purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*,

19 within which trial must commence, the period of September 25, 2025, up to October 27,

20 2025, inclusive, is deemed excludable under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv)

21 [Local Code T-4].

22 7. Nothing in this stipulation and order shall preclude a finding that other provisions of the

23 Speedy Trial Act dictate that additional time periods are excludable from the period

24 during which trial must commence.

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27 Assistant U.S. Attorney Jason Hitt has reviewed this stipulation and authorized Attorney

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1 Todd D. Leras via email to sign it on his behalf.

2 Dated: September 24, 2025

/s/ Todd Leras
TODD LERAS
Attorney for Defendant
MATTHEW MICHALAK

5 Dated: September 24, 2025

6 /s/ Jason Hitt
7 JASON HITT
8 Assistant United States Attorney
9 (Per email authorization)

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ORDER

2 BASED ON THE REPRESENTATIONS AND STIPULATIONS OF THE PARTIES, it
3 is hereby ORDERED that the status conference for Defendant Matthew Michalak, presently
4 scheduled for September 29, 2025, is vacated. A new status conference/potential change of plea
5 hearing is scheduled for **October 27, 2025, at 10:00 a.m.**

6 The Court further finds, based on the representations of the parties, that the ends of justice
7 served by continuing the case as requested outweigh the best interests of the public and the
8 Defendants in a speedy trial.

9 Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161 (h)(7)(A) and
10 (B)(iv), Local Code T-4, to allow necessary attorney preparation, taking into consideration the
11 exercise of due diligence, for the period from September 29, 2025, up to and including October
12 27, 2025.

IT IS SO ORDERED.

Dated: September 25, 2025

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE